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Attorney for Defendant
FRANCISCO GONZALES

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO GONZALES,

Defendant.

CASE NO. 22-CR-00140 WBS

STIPULATION TO RE SET STATUS
CONFERENCE AND FOR EXCLUDABLE TIME
PERIOD UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: August 7, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. By this stipulation, all parties now move to set a status conference date of **August 7, 2023 at 9:00 a.m.**, and to exclude time from the date of this stipulation until August 7, 2023 under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

2. The parties agree and stipulate, and request that the Court find the following:

a) Counsel for defendant is involved in state and federal criminal trials until the dates set for this hearing. Counsel is in trial in July of 2023 in Sacramento Superior Court in *People v Yazzie*, and in *People v Cruz*; is in trial in July in San Diego Superior Court in *People v Smith*; is in trial in Placer County Superior Court in July in *People v Kevin Davis*.; As such, defense counsel will be preparing and appearing on those matters.

b) The government has represented that the discovery associated with this case includes approximately two-hundred-fifty pages of investigative reports, video recordings, and

forensic images of five telephones consisting of over 5GB of data. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

c) Counsel for defendants believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of June 21, 2023, to August 7, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

3. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 21, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ROBERT C. ABENDROTH
ROBERT C. ABENDROTH
Assistant United States Attorney

Dated: June 21, 2023

/s/ MARK J. REICHEL
MARK REICHEL
Attorney for defendant

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: June 21, 2023



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE